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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,220	09/30/2003	Teddy J. May	006911-0302822	1596

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EXAMINER

D ADAMO, STEPHEN D

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/673,220	Applicant(s) MAY, TEDDY J.	
	Examiner Stephen D'Adamo	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5 and 13 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/26/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (5,121,967).

Rogers discloses a rocker recliner comprising a base 10, a left and right rocker cam assembly 12 including a rocker cam positioned at a cam bearing location on the base and a left and right side linkage. “The footrest [ottoman] linkage is actuated from a retracted position to an extended position by means of a handle actuator fixed to a shaft or torque tube 52 through mounted in the seat link 26” (col.3, lines 17-21). A rocker locking assembly includes a pair of stops 42 and 44 “to prevent further rocking of the seat relative to the base” (col.3, lines 64-65). Furthermore, the carrier link or drive link 22 is slidably connected to one of the rocker cam assemblies through a second pair of cam surfaces - slot 97 and pin 99. The drive link is also slidingly connected to a drive member 20, which drives locking elements 34, 36, and 38 to prevent rocking of the cams relative to the base. Rogers also discloses a plurality of locking elements 34, 36 and 38 wherein one of the locking elements is pivotally connected to the base via mounting link 14. The locking elements move into a locked position in which they align in an arrangement to prevent rocking motion.

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Regarding claims 6-8, the seat surface or link 26 is pivotally connected to the cam assemblies 12 through a plurality of link members, wherein each link member is pivotally mounted to one another. The ottoman linkage or footrest linkage is also pivotally mounted to the seat link 26.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (5,121,967) in view of Pine (4,601,513).

Rogers discloses a rocker recliner comprising a base 10, a left and right rocker cam assembly 12 including a rocker cam positioned at a cam bearing location on the base and a left and right side linkage. "The footrest [ottoman] linkage is actuated from a retracted position to an extended position by means of a handle actuator fixed to a shaft or torque tube 52 through mounted in the seat link 26" (col.3, lines 17-21). A rocker locking assembly includes a pair of stops 42 and 44 "to prevent further rocking of the seat relative to the base" (col.3, lines 64-65). Furthermore, the carrier link or drive link 22 is slidably connected to one of the rocker cam assemblies through a second pair of cam surfaces - slot 97 and pin 99. The drive link is also slidingly connected to a drive member 20, which drives locking elements 34, 36, and 38 to prevent rocking of the cams relative to the base.

Rogers also discloses a plurality of locking elements 34, 36 and 38 wherein one of the locking elements is pivotally connected to the base via mounting link 14. The locking elements move into a locked position in which they align in an arrangement to prevent rocking motion. However, Rogers fails to expressly disclose the locking element as a roller. Yet, Pine teaches of a "rock-blocking mechanism for a rocking chair" including a rear rocker lock comprising a roller 96 "rotatably journalled on a transverse axis horizontal axle 98 mounted in a rearwardly opening yoke 100 provided by respectively bent portions of a rear tilt link 102 and a rear assist link 104" (col.5, lines 24-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locking assembly of Rogers with a roller "rotatably journalled" to the linkage system of Rogers, as taught by Pine, for "locking the chair against both forward and rear rocking, and which can be medially located on the chair without interfering with user comfort" (col.2, lines 53-56).

Allowable Subject Matter

3. Claims 3-5 and 13 are allowed.

Response to Arguments

4. Applicant's arguments filed October 29, 2004 have been fully considered but they are not persuasive.

As noted in the above rejections, Rogers teaches of a camming surfaces in slots 97 and 74. Furthermore, the drive link, referenced as 22 is connected within the slots and thus is slidably connected to the rocker. Also, all of the elements, whether the links are identified as carrier links or drive links, are connected to one another and thus drive the

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adjacent link to its location. For example, drive link 22 is mounted to rear mounting link 18. Rear mounting link is pivotally mounted to idler link 36. Thus, drive link drives the movement of rear mounting link 18, which drives the movement of idler link 36.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sd
December 14, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600